

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
CORPUS CHRISTI DIVISION

JOSHUA DAVID MARTINEZ, §
§
Plaintiff, §
VS. § CIVIL ACTION NO. C-08-197
§
R. MENCHACA, *et al*, §
§
Defendants. §

**ORDER ADOPTING MEMORANDUM AND
RECOMMENDATION TO DENY
PLAINTIFF'S MOTION FOR SUMMARY JUDGMENT**

On January 28, 2009, United States Magistrate Judge Brian L. Owsley signed a Memorandum and Recommendation recommending that plaintiff's motion for summary judgment (D.E. 67) be denied without prejudice. Seeing no objection to this recommendation by either party and having now reviewed the recommendation, this Court hereby adopts as its own the Memorandum and Recommendation as the decision of the Court. Accordingly, it is

ORDERED that plaintiff's motion for summary judgment is denied without prejudice.

The clerk shall enter this order and provide a copy to all parties.

SIGNED and ORDERED this 4th day of March, 2009.



Janis Graham Jack
United States District Judge